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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General**

Summary

The present report is submitted pursuant to General Assembly resolution [76/226](#). In the report, the Secretary-General provides information on measures taken by States and stakeholders, activities undertaken by the Office of the United Nations High Commissioner for Human Rights, the Durban follow-up mechanisms and special procedure mandate holders, as well as by the United Nations system, to eliminate racism and racial discrimination, and he presents conclusions and recommendations concerning the implementation of the Durban Declaration and Programme of Action.

* [A/77/150](#).

** The present report was submitted after the deadline so as to include the most recent developments.



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [76/226](#), in paragraph 45 of which the Assembly requested the Secretary-General to submit to it at its seventy-seventh session a report on the implementation of the resolution.

2. In preparing the present report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sought contributions from Member States and other stakeholders as requested by the General Assembly. The present report provides a summary of submissions received from Member States,¹ United Nations entities, national human rights institutions and civil society actors² and information on activities undertaken by United Nations entities – in particular OHCHR, human rights treaty bodies and special procedure mandate holders – and by the Durban follow-up mechanisms and other stakeholders.

3. In its resolution [76/226](#), the General Assembly recognized that racism, racial discrimination, xenophobia and related intolerance had a deep negative impact on the enjoyment of human rights, requiring a united and comprehensive response from the international community. The Assembly stressed that the Durban Declaration and Programme of Action remained a solid basis and the only instructive outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which prescribed comprehensive measures for combating all the scourges of racism and adequate remedies for victims, and it noted with concern the lack of effective implementation.³

4. The General Assembly expressed concern at the loss of life and livelihoods and the disruption to economies and societies caused by the coronavirus disease (COVID-19) pandemic and the disproportionate negative impact on certain individuals, including those facing racism, racial discrimination, xenophobia and related intolerance.⁴ The Assembly also expressed its alarm at the global rise in hate speech, constituting incitement to racial discrimination, hostility and violence, and deplored the ongoing and resurgent scourges of racism, racial discrimination, xenophobia and related intolerance in many regions of the world, often targeting migrants and refugees, as well as people of African descent.⁵

5. The General Assembly stressed that everyone, including people and communities of African descent, should be able to participate in an inclusive manner and guide the design and implementation of processes that contributed to halting, reversing and repairing the lasting consequences and ongoing manifestations of systemic racism, and it acknowledged the important role of young people. It encouraged States to examine the extent and impact of systemic racism and to adopt effective legal, policy and institutional measures that addressed racism beyond a summation of individualized acts and recommended that progress be measured according to indicators grounded in impact rather than intent.⁶

6. The General Assembly acknowledged and profoundly regretted the untold suffering and evils inflicted on millions of men and women and children as a result of slavery, the slave trade, the transatlantic slave trade, colonialism, apartheid, genocide and past tragedies, noting that some States had taken the initiative to

¹ Submissions were received from Algeria, Bosnia and Herzegovina, Cuba, Iraq, Ireland, Italy, Kenya, Lithuania, Luxembourg, Norway and Spain.

² In total, 30 contributions were received, including those from national human rights institutions, civil society and the United Nations system.

³ General Assembly resolution [76/226](#), fourth preambular paragraph.

⁴ Ibid., twelfth preambular paragraph.

⁵ Ibid., fifth and eighth preambular paragraphs.

⁶ Ibid., paras. 18 and 19.

apologize and had paid reparations, where appropriate, for grave and massive violations committed, and it further called upon those that had not yet expressed remorse or presented apologies to find some way to contribute to the restoration of the dignity of victims, and called upon all the relevant States that had not already done so to dispense reparatory justice, contributing to the development and recognition of the dignity of the affected States and their people.⁷

7. The General Assembly also deplored the recent incidents of excessive use of force and other human rights violations by law enforcement officers against peaceful demonstrators defending the rights of Africans and of people of African descent.⁸

8. On 22 September 2021, in commemoration of the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, the General Assembly held a high-level meeting on the theme “Reparations, racial justice and equality for people of African descent”. Heads of State and Government adopted a political declaration aimed at mobilizing political will for the full and effective implementation of the Durban Declaration and Programme of Action and its follow-up processes. States proclaimed together their strong determination to mobilize political will at the national, regional and international levels and to accelerate momentum to make the fight against racism, racial discrimination, xenophobia and related intolerance, and the protection of the victims thereof, a high priority for their countries.⁹

II. Actions taken by States to implement General Assembly resolution 76/226

9. The Durban Declaration and Programme of Action¹⁰ stresses the responsibility of States to undertake legislative, judicial and administrative measures to prevent and protect against racism, racial discrimination, xenophobia and related intolerance; to implement policies and practices, including data collection, and to adopt wide-ranging national action plans against racism; to undertake education and awareness-raising measures, including through information-gathering and the use of communications and new technologies; and to provide effective remedies, recourse and redress with regard to racism and racial discrimination.

10. In response to an invitation to provide updates on actions taken to implement the Durban Declaration and Programme of Action within the past three years, the information received points to continued efforts and initiatives undertaken by States to prohibit racial discrimination and racial segregation and to ensure the full enjoyment of economic, social and cultural rights, as well as civil and political rights. Stakeholders are also participating in the implementation of the various actions contained in or related to the Durban Declaration and Programme of Action.

A. Constitutional and legal frameworks

11. Algeria reported on legislative reforms in the field of combating intolerance, noting that Law No. 20/05 on the prevention and combating of discrimination and hate speech had been promulgated on 28 April 2020, and that the prevention and control of these crimes had been constitutionalized.

⁷ Ibid., para. 14.

⁸ Ibid., tenth preambular paragraph.

⁹ General Assembly resolution 76/1, para. 18.

¹⁰ A/CONF.189/12 and Corr.1, chap. I.

12. Bosnia and Herzegovina indicated that the report concerning the Law on the Prohibition of Discrimination had been submitted to the Parliamentary Assembly in 2015. The report on discrimination for the period 2018–2019 was in the final stage of adoption.

13. Cuba indicated that the Criminal Code, approved on 15 May 2022, reinforced the protection of the constitutional principle that recognized the right of all persons to be treated as equal before the law, to receive the same protection and treatment from the authorities and to enjoy the same rights, freedoms and opportunities, without any discrimination.

14. Ireland reported that the Equality Acts (the Equal Status Acts 2000–2018 and the Employment Equality Acts 1998–2015) prohibited discrimination on nine grounds, including race, religion, gender and membership in the Traveller community. In July 2021, a public consultation process had been launched as part of a review of the Equality Acts to examine their functioning and their effectiveness in combating discrimination and promoting equality.

15. Italy reported that a legislative amendment (Legislative Decree No. 21/2018) had introduced into the Penal Code article 604-bis on propaganda and incitement to commit a crime with the purpose of discrimination on racial, ethnic and religious grounds and article 604-ter establishing an aggravating circumstance for crimes committed with the purpose of discrimination on such grounds. The former repealed article 3 of Law No. 654/1975, while the latter repealed article 3 of Law No. 205/1993 (referred to as the “Mancino law” on aggravating circumstance).

16. The Kenya National Commission on Human Rights indicated that article 41 (1) of the National Cohesion and Peacebuilding Bill of 2021 prohibited the utterance, publication, writing or posting of words or images intended to incite feelings of contempt, hatred, hostility, violence or discrimination against any person. A person found guilty of contravening that article was liable to a fine not exceeding 1 million shillings, or to imprisonment for a term not exceeding five years, or to both. At the time of reporting, the Bill had undergone a second reading in the Senate.

17. Spain highlighted that the proposal for a comprehensive law on equal treatment and non-discrimination had been presented for parliamentary debate in January 2021, aimed at incorporating into national law Directives 2000/43/EC and 2000/78/EC, adopted by the Council of the European Union, providing fundamental guarantees and the effective protection of victims, through the combination of a preventive approach with a restorative one. A law against racism, racial discrimination, xenophobia and related forms of intolerance was expected to be approved and included in the Government’s annual regulatory plan of 2022.

B. National human rights institutions, plans of action, strategies and policies

18. Algeria reported that article 9 of Law No. 20/05 relating to the prevention and combating of discrimination and hate speech established a national observatory for the prevention of discrimination and hate speech, with powers to monitor all forms and manifestations of discrimination and hate speech, and proposed measures and preventive actions to counter them. The observatory prepared an annual report and exchanged information with institutions working in the field internationally.

19. In Cuba, the national programme against racism and racial discrimination, adopted in 2019, contained a comprehensive diagnosis of the historical and current manifestations of racism and the factors that caused its persistence. To strengthen education against racial discrimination, research programmes by academic

institutions and the design and implementation of specific subprogrammes by educational institutions had been carried out. The national plan for the observance of the International Decade for People of African Descent had been updated.

20. Iraq reported that it had adopted the National Settlement Initiative – supported by the United Nations Assistance Mission for Iraq – which was a national, social and political settlement aimed at coexistence in Iraq, in which all segments of Iraqi society (ethnic, religious and societal) participated, and where all parties in Iraq had mutual obligations and guarantees. The national report of Iraq submitted for the third cycle of the universal periodic (2017–2021), reviewed in November 2019, included information about ensuring equal civil and political rights and avoiding all forms of discrimination based on race, religion or sex.

21. Ireland stated that its Anti-Racism Committee had been established in 2020 to draw up a national action plan against racism. The Committee had submitted its interim report on the development of the national action plan against racism, which had been published in April 2021. The Committee planned to submit the plan in 2022. Ireland outlined the National Traveller and Roma Inclusion Strategy and other specific measures to combat racism and hate crime against minority groups in the country, such as the general scheme of the criminal justice (hate crime) bill.

22. Italy indicated that, in 2021, its Observatory for Security against Acts of Discrimination had taken part in a project organized by the cultural association “Mamme per la pelle” to encourage encounters between police representatives and young people of different ethnicities in order to overcome stereotypes and prejudice. In December 2021, the Observatory had held a conference on preventing and combating all forms of discrimination and supporting victims, with the participation of civil society organizations, the National Police Force and the Carabinieri.

23. Kenya stated that the constitutional human rights commissions were additional avenues by which individuals could seek remedies. The Kenya National Commission on Human Rights, the National Gender and Equality Commission and the Commission on Administrative Justice held constitutional and legal responsibilities to investigate complaints of human rights violations and take appropriate action. The Commissions frequently engaged with communities to create civic awareness on topical human rights issues and empower the people to claim their rights.

24. Lithuania reported that it had completed implementation of the action plan on non-discrimination for the period 2017–2020 and that in 2020 it had adopted a new action plan for the period 2021–2023. The plan included measures aimed at eliminating racism, such as measures in contribution to the International Decade for People of African Descent, and annual events that improved intercultural dialogue, tolerance and awareness.

25. Norway reported that several action plans had been developed to prevent racism: the action plan against racism and discrimination on the grounds of ethnicity and religion (2020–2023); the action plan against antisemitism (2020–2023); and the action plan to combat discrimination and hatred towards Muslims (2020–2023). The Government had signalled that it would introduce a new action plan against racism and discrimination.

C. Education and awareness-raising

26. Lithuania indicated that, in 2019, the Seimas of Lithuania had officially declared 2 August to be Lithuanian Roma Genocide Memorial Day. Information about the Roma national minority, the history of the nation and the Roma genocide was accessible on a government website and on social media through a government

Facebook account. An annual ceremony was held at the Paneriai Memorial commemorating the Lithuanian Jewish Genocide Remembrance Day and was broadcast on Lithuanian national television. In 2019, special attention had been paid to the commemoration of the seventy-fifth anniversary of the destruction of the Kaunas Ghetto. There was a website called “Discover the national minorities of Lithuania” that provided information on the history of the emergence of Lithuanian national minorities, the activities of public organizations, major celebrations and culinary heritage.

27. Luxembourg reported on its national action plan on integration for the period 2018–2023. Calls for projects had been issued inviting actors and experts in the field to actively participate in the implementation of the plan through concrete activities, and 10 innovative projects in the field of anti-discrimination and the promotion of diversity had been funded since 2020, such as the “Everyone in the Classroom” project, which was aimed at helping teachers to develop good practices in responding to specific issues related to sociocultural diversity. The projects “VISIBLE”, “Hautnah Erleben – Als Person of Colour in Luxembourg” and “Peanut Project” were specifically devoted to addressing discrimination affecting people of African descent. The call for projects, launched in May 2022 within the framework of the asylum, migration and integration fund, focused, among other things, on raising public awareness of racism and combating ethno-racial discrimination and stereotypes.

28. Mexico indicated that its programme to support indigenous education responded to the demands of the indigenous and Afro-Mexican populations related to gaining access to representation at various educational levels. In March 2020, the Government of Mexico constructed, equipped and opened the first House for the Development of Afro-Mexican Women, run by the National Institute of Indigenous Peoples, which served as a shelter for victims and offered medical care clinics and legal and psychological assistance. There were currently 35 Houses of Indigenous and Afro-Mexican Women, located in 17 States. The National Institute of Indigenous Peoples had also developed various materials aimed at raising awareness about racial discrimination. The protocol for judging cases involving the rights of persons, communities and indigenous peoples was being updated, and a new protocol on persons of African descent and Afro-Mexicans was being developed to outline normative standards that, when applied by legal professionals, promoted the delivery of justice in conditions of equality.

29. Spain indicated that in 2020 the Council for the Elimination of Racial or Ethnic Discrimination had published a study on the perception of discrimination based on racial or ethnic origin and had approved a recommendation on avoiding discriminatory attitudes and discourse in the current context of the health, social and economic crises, in response to the increase in the number of cases of discrimination that were occurring during the COVID-19 pandemic. Spain further noted that it had celebrated the Second Anti-Racist Week, during which various videos had been broadcast through social media to promote greater knowledge of and respect for the diversity of the heritage and culture of people of African descent and other population groups and to raise awareness of multiple forms of discrimination suffered by Spanish citizens in the workplace, housing and education sectors on the basis of their racial or ethnic origin.

30. The United Nations Office for Drugs and Crime (UNODC) has worked on initiatives to raise awareness about trafficking in persons, gender-based violence and xenophobia against migrants, refugees, returnees and host communities, including children and adolescents in Colombia, and in 2021 it co-hosted with Canada the DataJam against Exploitation, a technological innovation competition to engage young people in developing solutions to fight the trafficking in persons of members of indigenous, northern and secluded communities in the country.

D. Participatory and inclusive design and implementation processes

31. The Kenya National Commission on Human Rights reported that, in 2018, the Public Service Commission, when reporting on ethnic quota representation in the various public institutions, had encouraged compliance and provided opportunities for national conversations and “awakening towards diversity and inclusion”.

32. Mexico reported that the National Institute of Indigenous Peoples promoted the participation and political representation of indigenous and Afro-Mexican peoples in the various initiatives of the State. A proposal for constitutional and legal reform on the rights of indigenous and Afro-Mexican peoples, built and consolidated through an extensive consultation process in 2019 and 2021, had resulted in a proposal delivered to the President of Mexico in September 2021 by a representative commission of indigenous and Afro-Mexican peoples and communities.

33. Spain indicated that a strategic framework for citizenship and inclusion and against xenophobia and racism covering the period 2021–2027 was under preparation and that it contained a set of concrete measures as a framework of action for civil society. The framework was focused on foreigners living in the country, applicants for and beneficiaries of international protection, unaccompanied children and teenagers, Africans and persons of African descent, Asians and religious minorities.

E. Addressing systemic racism

34. The Human Rights Council, in its resolution 47/21, recognized that systemic racism needed a systemic response to rapidly reverse denial and alter structures, institutions and behaviours leading to direct or indirect discrimination against Africans and people of African descent in every part of life.¹¹ The need to repair the continuing impact of enslavement, the transatlantic trade in enslaved Africans and colonialism, and to seize opportunities to advance the anti-racism agenda, to prioritize attaining racial equity in implementing the 2030 Agenda for Sustainable Development, and to ensure that people of African descent were not left behind¹² was also noted.

35. OHCHR has researched and studied the systemic nature of racism faced by Africans and people of African descent and its negative effect on the enjoyment of their human rights in every part of life, including as it relates to relevant goals and indicators¹³ of the 2030 Agenda.¹⁴

36. Since July 2021, OHCHR has brought the 20 actionable recommendations contained in the agenda towards transformative change for racial justice and equality¹⁵ to the attention of States and other actors through multiple forums. Through its engagement with States and other stakeholders, in particular people of African descent and their organizations, including online consultations with human rights defenders and civil society activists in different countries regarding challenges to their human rights work and the right of people of African descent to participate in

¹¹ Human Rights Council resolution 47/21, thirteenth preambular paragraph.

¹² Ibid., ninth preambular paragraph.

¹³ Goals 1, 3, 4, 8, 10, 13, 16 and 17.

¹⁴ See OHCHR, “A human rights-based approach to data: leaving no one behind in the 2030 Agenda for Sustainable Development”, available at www.ohchr.org/sites/default/files/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf and OHCHR, “Operational guidelines on the inclusion of people of African descent in the 2030 Agenda”, prepared by the Working Group of Experts on People of African Descent, available at www.ohchr.org/sites/default/files/Documents/Issues/Racism/WGEAPD/Guidelines_inclusion_2030_Agenda.pdf.

¹⁵ A/HRC/47/53 and accompanying conference room paper.

public affairs, OHCHR has supported national and international efforts aimed at dismantling systemic racism.

37. The Human Rights Council has also recognized that colonialism has led to racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples were victims of colonialism and continue to be victims of its consequences.¹⁶ The Council decided to convene a panel discussion at its fifty-first session to identify challenges in addressing the negative impact of the legacies of colonialism on human rights, and to discuss ways forward.¹⁷

38. The Working Group of Experts on People of African Descent presented its report on systemic racism and the opportunities of 2021 at the seventy-sixth session of the General Assembly and participated in an interactive dialogue. In that report, the Working Group stated that urgent actions were needed to address racial disparities in health and to put an end to systemic racism in the areas of law enforcement and criminal justice. It emphasized that tackling systemic racism could be achieved only through an honest assessment of the past, in particular the consequences of the trade in enslaved Africans and of colonialism.

39. Spain reported on the need to collect information about different ethnic groups in sectors such as housing, education, health, access to culture and employment, as well as on their representation in, inter alia, public and private institutions and organizations. Several studies had been published on the impact of discrimination in Spain, including a study on the perception of racial and ethnic discrimination by potential victims in 2020, an overview of identity and access to rights in relation to the African population and persons of African descent in Spain, and a study on racial discrimination in the field of housing and informal settlements.

F. Reparatory justice initiatives

40. The international community is increasingly acknowledging the historical linkages between slavery, the slave trade and the transatlantic slave trade on the one hand and racial discrimination on the other. Formal apologies, truth-telling processes and reparations are among the means of acknowledging and addressing these manifestations.¹⁸

41. During his presentation to the General Assembly at its high-level meeting held on 22 September 2021 in commemoration of the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, the Secretary-General underlined the need for stakeholders, including Member States, to work together to recognize the contemporary resonance of past crimes that continued to haunt the present – the lingering traumas, the transgenerational suffering and the structural inequalities so deeply rooted in centuries of enslavement and colonial exploitation – and to reverse the consequences of generations of exclusion and discrimination, including their obvious social and economic dimensions, through reparatory justice frameworks.¹⁹

¹⁶ Human Rights Council resolution [48/7](#), tenth preambular paragraph.

¹⁷ Ibid., para. 6.

¹⁸ [A/CONF.189/12](#) and [A/CONF.189/12/Corr.1](#), paras. 155 and 158; Human Rights Council resolution [43/1](#); the agenda towards transformative change for racial justice and equality, submitted pursuant to Council resolution [43/1](#); and [A/HRC/45/47](#), para. 59.

¹⁹ United Nations, “Secretary-General’s remarks at the commemoration of the 20th anniversary of the Durban Declaration and Programme of Action”, 22 September 2021.

42. The Human Rights Council has expressed deep concern at the violations of human rights of indigenous peoples committed in colonial contexts and has stressed the need for States to take all measures necessary to protect rights and ensure the safety of indigenous peoples, especially indigenous women and children, to restore truth and justice and to hold perpetrators accountable.²⁰

43. The Working Group of Experts on People of African Descent has regularly called on all States to recognize and pay reparations for the centuries of harm to persons of African descent rooted in slavery and colonialism and recommended that States consider the Caribbean Community 10-point action plan for reparatory justice as a guiding framework.²¹

44. The Kenya National Commission on Human Rights reported that, during the State of the Nation address in 2015, the President had offered a public apology on behalf of the Government for all past human rights violations and other historical injustices. A restorative justice fund had been established to offer relief to the victims and survivors of past human rights violations and other historical injustices. There was also a victim protection trust fund (established under the Victim Protection Act, 2014 (No. 17 of 2014)). The Commission, in concert with civil society organizations, continued to advocate the implementation of the recommendations contained in the Truth, Justice and Reconciliation Commission report, including the payment of reparations to victims of historical injustices.

45. Spain reported on the celebrations of the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade (held on 25 March in 2021 and in 2022), noting that a minute of silence had been observed during some public events in memory of the victims of slavery and the transatlantic slave trade.

46. The agenda towards transformative change for racial justice and equality stresses the importance of confronting legacies, including through accountability and redress, noting that behind today's systemic racism, racial violence, dehumanization and exclusion lies the lack of a formal acknowledgement of the responsibilities of States, institutions, religious groups, universities, business enterprises and individuals that engaged in or profited from, and that continue to profit from, the legacy of enslavement, the transatlantic trade in enslaved Africans and colonialism.²² With the participation of people and communities of African descent, national processes for reparatory justice should be complemented by other initiatives involving local dialogue and cooperation, including with affected communities in former colonies. Relevant business enterprises should consider their own links to enslavement, the transatlantic trade in enslaved Africans and colonialism in their ongoing and past operations and examine possibilities for reparation.²³

G. Excessive use of force and other law enforcement violations

47. The Human Rights Council has deplored recent incidents of excessive use of force and other human rights violations by law enforcement officers against peaceful demonstrators defending the rights of Africans and of people of African descent.²⁴

48. Pursuant to Human Rights Council resolution [47/21](#), the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement was established to examine systemic racism, including as it relates to

²⁰ Human Rights Council resolution [48/7](#), eleventh preambular paragraph.

²¹ [A/HRC/39/69](#), para. 78, and [A/HRC/48/78](#), paras. 50 and 83.

²² [A/HRC/47/53](#), para. 61.

²³ *Ibid.*, para. 65.

²⁴ Human Rights Council resolutions [43/1](#), [44/20](#) and [47/21](#).

structural and institutional racism faced by Africans and people of African descent, including its root causes in law enforcement and the criminal justice system, the excessive use of force, racial profiling and other violations of international human rights law by law enforcement officials, and including with regard to patterns, policies, processes and specific incidents.²⁵ Since the appointment of its members in December 2021, the Mechanism has been engaging bilaterally with States, with a view to promoting accountability and prevention. It has addressed Governments on the impact of laws, policies and programmes on Africans and people of African descent and on specific incidents involving the death of people of African descent during police operations on account of excessive use of force. It will present its first report, on the collection, publication and analysis of data disaggregated by race or ethnic origin concerning interactions of Africans and people of African descent with law enforcement, to the Human Rights Council at its fifty-first session.²⁶

49. UNODC has supported States in their implementation of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials through individual programmes and projects and within its broader work on police reform. A strong focus is placed on addressing the excessive or discriminatory use of force against Africans and people of African descent, where relevant.

50. In May 2022, during the thirty-first session of the Commission on Crime Prevention and Criminal Justice, UNODC and OHCHR organized a high-level event on the work of the United Nations in addressing and responding to racial discrimination in the criminal justice system, in line with international obligations and commitments.²⁷

51. Information received from stakeholders for the present report underscored the importance of data, and of tracking and computer and satellite innovations, which could help to identify and reduce the sources of racial disparities in police interactions.

H. Hate speech and hate crime

52. Iraq indicated that its Media and Communications Commission had issued a number of regulations regarding broadcasting and communications media in Iraq. It also issued codes of professional practice for the media, a list of media broadcasting rules and regulations and general guidance on accuracy and balance in broadcasting news to avoid inciting violence and hatred.

53. Ireland reported on ongoing work to update its criminal law on both hate speech and hate crime; training for members of An Garda Síochána on combating hate crime; the establishment of dedicated Garda Ethnic Liaison Officers throughout the country to prevent hate or racist crimes; the provision of advice to victims; and the Garda Diversity and Integration Strategy, launched in 2019 to improve the internal recording of hate crimes and encourage the reporting of such crimes by the public.

54. The Kenya National Commission on Human Rights reported that article 22 (2) of the Computer Misuse and Cybercrimes Act of 2018 limited freedom of expression in respect of the intentional publication of false, misleading or fictitious data or misinformation that was likely to propagate war or incite violence, constituted hate speech or advocated hatred that constituted ethnic incitement, vilification of others or

²⁵ See General Assembly resolution [47/21](#), paras. 10 and 11, for a more detailed description of the mandate of the Mechanism.

²⁶ [A/HRC/51/55](#).

²⁷ [A/HRC/47/53](#); International Convention on the Elimination of All Forms of Racial Discrimination; [A/CONF.189/12](#) and [Corr.1](#), chap. I; and the 2030 Agenda.

incitement to cause harm, or that was based on any ground of discrimination, such as race, ethnic or social origin or colour.

55. Lithuania stated that on 28 April 2022 the Seimas had adopted the Law on Amendments to the Criminal Code, which implemented Council of the European Union Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, clarifying the provisions of the Criminal Code related to the regulation of criminal liability for hate speech and hate crimes and adding to the list of criteria “skin colours” and “ethnic origin”. In 2020, an updated version of the methodological recommendations on the peculiarities of conducting, organizing and guiding the pretrial investigation of hate crimes and hate speech had been developed. Since 2020, the topic of hate crime had been integrated into police vocational training programmes.

56. In Luxembourg, the Ministry of Foreign and European Affairs supported the “Dialog statt Hass” project, which was aimed at combating radicalization and the proliferation of hate speech on social networks through targeted educational and sociopedagogical interventions.

57. The Norwegian Police had established a national centre in 2021 to assist all police districts in preventing and combating hate crime. Its directorate provided annual statistics on incidents of hate crime reported to the police. Since 2014, the Oslo Police District had included a team dedicated to cases involving hate crime, which published an annual report. The Government’s strategy against hate speech for the period 2016–2020 had been evaluated in 2020, and many of the previous efforts would be renewed and further developed in a future strategy, including increased efforts against online harassment.

58. Spain reported that a protocol to combat illegal hate speech online had been presented in March 2021 and would serve as a tool for collaboration between civil society organizations and data hosting service providers in the effort to prevent illegal online hate speech.

I. Data collection

59. Bosnia and Herzegovina indicated that a rulebook on the monitoring of discrimination cases was being drafted, which would provide for a central database of discrimination cases to be set up within the Ministry of Human Rights and Refugees.

60. Ireland reported that, in October 2020, the Central Statistics Office had published the 2020 equality data audit to raise awareness of available data related to equality, including with respect to race and ethnicity, religion and membership in the Traveller community, and to highlight gaps in the data. The Office had been considering the possibility of developing an equality data strategy in 2021 to establish a cross-departmental framework for gathering data and standardizing the classification of such data. On 21 March 2022, to mark the International Day for the Elimination of Racial Discrimination, the development of a national equality data strategy was announced to improve the collection, use and dissemination of equality data, so that future equality strategies would have measurable impacts.

61. Italy reported that the Observatory for Security against Acts of Discrimination was charged with data collection and carried out a number of training activities to raise awareness and strengthen the competence of law enforcement personnel to respond to hate crimes, including with regard to the underreporting and underrecording of such crimes.

62. The Kenya National Commission on Human Rights indicated that, in the 2019 population and housing census, Kenya had provided for the counting of indigenous peoples that had not previously been counted, including through the use of code 413 – a new code that had been added to denote the Ogiek community under the census’ tribe category.

63. Mexico reported that, in its 2015 inter-census survey, the option to self-identify as a person of African descent had been included, marking the first time that the Afro-Mexican or Afrodescendent population had been identified in a statistical project of the National Institute of Statistics and Geography. The 2020 population and housing census, in which the Afrodescendent self-identification variable had been incorporated into the themes addressed in population and housing censuses, had highlighted a number of very insightful and useful data results concerning that population group.

64. Spain indicated that the Council for the Elimination of Racial or Ethnic Discrimination prepared quarterly reports and published annual reports with statistical data that made it possible to quantify the number of cases addressed according to the type of incident, profile of the victims, type of discrimination and sphere in which it had occurred, thus enabling an approach based on the recognition of cases of “multiple” and “intersectional” discrimination. The Council participated in the working group on research and data collection of the European Network of Equality Bodies.

III. Durban Declaration and Programme of Action follow-up mechanisms, human rights treaty bodies and special procedures

65. The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action held its nineteenth session from 11 to 22 October 2021. It reviewed the progress achieved in carrying out the programme of activities for the implementation of the International Decade for People of African Descent and discussed measures to be taken to enhance the effectiveness of the mechanisms established to follow up on the Durban Declaration and Programme of Action, including ensuring better synergy and complementarities in the work of those mechanisms. The Working Group of Experts on People of African Descent submitted a report on environmental justice, the climate crisis and people of African descent to the Human Rights Council at its forty-fifth session. In that report, the Working Group discussed how to effectively address environmental injustice, racial disparities, unequal protection and the unique impact of the climate crisis and environmental racism on people of African descent.²⁸

66. The Working Group undertook fact-finding missions to Portugal²⁹ in December 2021 and to Switzerland³⁰ in January 2022. The two reports containing its findings and recommendations in the light of those visits will be submitted to the Human Rights Council at its fifty-first session. In December 2021, the Working Group conducted a technical visit hosted by the United Nations Educational, Scientific and Cultural Organization, with a view to contributing to development programmes intended for people of African descent, as well as other affirmative or positive measures and strategies within the human rights framework.

²⁸ [A/HRC/48/78](#).

²⁹ [A/HRC/51/54/Add.2](#).

³⁰ [A/HRC/51/54/Add.1](#).

67. The Working Group held its thirtieth public session in New York in May 2022, having never held a public session in that city before, so as to facilitate the wide participation of people of African descent and other interested stakeholders. The thematic session was focused on the human rights situation of children of African descent globally, addressing racial discrimination and inequality faced by children of African descent in all areas of life, including the administration of justice, law enforcement, education, health, family life and development, as well as redress for legacies of enslavement, colonialism and racial segregation. A thematic report³¹ on the session will be presented to the Human Rights Council at its fifty-first session in September 2022.

68. At its eleventh session, the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, mandated to develop an additional protocol to the Convention, made progress in its consideration of the issues of hate speech, racial cybercrime and all contemporary forms of discrimination based on religion or belief, and of preventative measures to combat racist and xenophobic discrimination, with the assistance of legal experts who participated in the intersessional expert seminar held in October 2020. At its twelfth session, the Committee held contextual discussions with experts on the historical impact of colonialism on the law, on all contemporary forms of discrimination based on religion or belief, and on the principles and elements of criminalization. The Committee considered the Chair's annotation of the summary of issues and possible elements discussed pertaining to the implementation of General Assembly resolution [73/262](#) and Human Rights Council resolution [34/36](#) on the commencement of the negotiations on the draft additional protocol to the Convention criminalizing acts of a racist and xenophobic nature, and it adopted the outcomes of the session.

69. The Committee on the Elimination of Racial Discrimination presented its annual report to the General Assembly,³² containing relevant information on the implementation of the Durban Declaration and Programme of Action.

70. In September 2021, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance presented to the Human Rights Council at its forty-eighth session her reports on how digital technologies were being deployed in the xenophobic and racially discriminatory treatment and exclusion of migrants, refugees and stateless persons³³ and on progress made in combating the glorification of Nazism.³⁴ She also presented to the General Assembly at its seventy-sixth session her reports on the Durban Declaration and Programme of Action³⁵ and on progress made in combating the glorification of Nazism.³⁶

71. The Special Rapporteur presented her reports on the Sustainable Development Goals and racial justice³⁷ and on progress made in combating the glorification of Nazism³⁸ to the Human Rights Council at its fiftieth session. The Special Rapporteur sent multiple communications and issued multiple press releases during the reporting period and made third party interventions in a number of legal cases.

³¹ [A/HRC/51/54](#).

³² [A/77/100](#).

³³ [A/HRC/48/76](#).

³⁴ [A/HRC/48/77](#).

³⁵ [A/76/434](#).

³⁶ [A/76/369](#).

³⁷ [A/HRC/50/60](#).

³⁸ [A/HRC/50/61](#).

IV. International Decade for People of African descent

72. In the eighth year of the International Decade, a main focus of implementation of the programme of activities has been the elaboration of a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent. The General Assembly has requested the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to devote at least half of its annual session to the elaboration of a draft, and it has also invited the Permanent Forum of People of African Descent and the Working Group of Experts on People of African Descent, in accordance with their respective mandates, to contribute to the elaboration.³⁹

73. On 2 August 2021, the General Assembly decided to establish the Permanent Forum of People of African Descent.⁴⁰ Five members of the Forum were elected by the General Assembly in December 2021, and another five members were appointed by the President of the Human Rights Council in March 2022. The Forum is mandated to, inter alia, provide expert advice and recommendations to the Council, the Main Committees of the General Assembly and the United Nations system aimed at addressing the challenges of all the scourges of racism, racial discrimination, xenophobia and related intolerance and all their contemporary forms and manifestations confronted by people of African descent. The Forum will also consider the elaboration of a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent. It will meet annually and report to the Human Rights Council and the General Assembly. Its first session will be held in December 2022.

74. OHCHR continues its fellowship programme for people of African descent, helping to empower young people of African descent with knowledge and exposure to the United Nations human rights system to enhance the development of legislation, policies and programmes in their countries, as well as to undertake effective awareness-raising activities in their communities. OHCHR also provided financial and substantive support to initiatives and projects through the International Decade for People of African Descent grants.

V. Office of the United Nations High Commissioner for Human Rights

75. In addition to the efforts highlighted above, on 28 March OHCHR organized a debate, during the forty-ninth session of the Human Rights Council and in commemoration of the International Day for the Elimination of Racial Discrimination, entitled “Voices for action against racism”, during which speakers shared their experiences on the importance of the rights to freedom of expression and peaceful assembly and of protecting civic space as a means of effectively addressing racism and racial discrimination that ensures meaningful and safe participation and representation in all areas of decision-making.

76. In paragraph 14 of its resolution [47/21](#), the Human Rights Council requested the United Nations High Commissioner for Human Rights to enhance and broaden monitoring by OHCHR, including through its field presences, with the assistance of relevant special procedure mandate holders and relevant United Nations entities, in order to continue to report on systemic racism and violations of international human rights law against Africans and people of African descent by law enforcement

³⁹ General Assembly resolution [76/226](#), paras. 10 and 11.

⁴⁰ General Assembly resolution [75/314](#), para. 1.

agencies, to contribute to accountability and redress and to take further action globally towards transformative change for racial justice and equality, including by providing support for and strengthening assistance to States and other stakeholders, particularly people of African descent and their organizations, and by giving further visibility to that work.

77. As a result, five new anti-racial discrimination regional advisers on combating racism and on the protection of minorities, including Africans and people of African descent,⁴¹ will be located in Bangkok, Beirut, Brussels, Pretoria and Santiago, in order to develop and strengthen OHCHR capacity to support actions in the field at the national level. The work of the advisers will include providing support to States and stakeholders, strengthening partnerships and convening functions and taking action related to racial justice and equality.

78. During the reporting period, in its organizational effectiveness action plan, OHCHR identified “people of African descent” as a spotlight population, calling for the inclusion of issues affecting people of African descent in annual workplans at headquarters and in field presences. OHCHR has also increased its focus on combating antisemitism by engaging directly with several key stakeholders. It has issued press briefings and social media postings on antisemitism, co-organized workshops, panels and exhibitions and continued engagement with communities and civil society organizations. A network of United Nations entities working on combating antisemitism has been meeting to coordinate policies and streamline work. The “Lest we forget” exhibition, which featured portraits of Holocaust survivors, was brought to Geneva in 2020 with the support of the Office.

VI. Implementation of the Durban Declaration and Programme of Action communications strategy

79. The United Nations system has been requested to strengthen its awareness-raising campaigns to increase the visibility of the message of the Durban Declaration and Programme of Action, its follow-up mechanisms and the work of the United Nations in the fight against racism.⁴²

80. The Department of Global Communications has created an updated website called “Fight racism” linked to the Durban Declaration and Programme of Action, accessible in all official United Nations languages.⁴³ For the twentieth anniversary commemoration of the Declaration and Programme of Action, a booklet was produced entitled “Fighting racism and discrimination: the Durban Declaration and Programme of Action at 20”, providing information about the Declaration and Programme of Action and its impact, including statements from experts and stories about individual and collective efforts towards a world free of racism and discrimination. To mark the landmark anniversary, United Nations News has created a series of “Durban +20” sketches and an interactive web page that highlights heroes working to reimagine equality and build a world beyond racism.⁴⁴

81. OHCHR has also been specifically requested by the Human Rights Council to establish and launch a two-year comprehensive communications strategy, inclusive of an outreach programme to raise awareness about and mobilize global public support for racial equality, including about the content and contribution of the

⁴¹ Oral statement by the secretariat in connection with draft resolution [A/HRC/47/L.8/Rev.1](#) of the Human Rights Council, para. 8 (d).

⁴² Human Rights Council resolution [48/18](#), para. 15.

⁴³ www.un.org/en/fight-racism.

⁴⁴ The sketches and web page are available at <https://news.un.org/pages/durban-20-sketches/>.

International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action to the struggle against racism, racial discrimination, xenophobia and related intolerance.⁴⁵

82. The activities of the strategy should include the publication and wide dissemination in accessible printed and digital formats of the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and the programme of activities for the International Decade for People of African Descent; engagement with universities, schools and other educational entities; the identification of new challenges for individuals and groups facing racial discrimination on social media; engagement with news media; outreach to civil society; and engagement with the general public, mainly young people, on social media.⁴⁶

83. Pursuant to Human Rights Council resolution 48/18,⁴⁷ OHCHR is improving and streamlining the section of its website dedicated to the Durban Declaration and Programme of Action.⁴⁸ The relevant web pages contain information about the specific messages of the awareness-raising campaign, and a number of communication products will also be released during this two-year period.

84. On Nelson Mandela International Day, 18 July 2022, the Office launched a two-year campaign entitled “Learn, speak up, act” to raise global awareness about racism, racial discrimination, xenophobia and related intolerance and to inspire people to mobilize concrete action to fight racism in all its forms and manifestations.

VII. Conclusions and recommendations

85. **In the political declaration to commemorate the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, Member States acknowledged with deep concern the rise in discrimination, hate speech, stigmatization, racism, systemic racism, stereotypes, racial profiling, violence, xenophobia and intolerance, both in person and online, directed against, inter alia, Africans and people of African descent, Asians and people of Asian descent, indigenous peoples, Roma and persons belonging to other racial, ethnic, linguistic or religious minorities, as well as motivated by prejudices against persons based on their religions or beliefs, such as, among others, Islamophobia, antisemitism and Christianophobia, and against women and children, migrants, refugees, forcibly displaced persons, asylum-seekers, internally displaced persons, persons with disabilities, older persons, youth and other persons in vulnerable situations.**⁴⁹

86. **These scourges underline the paramount importance of universal adherence to and the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action.**⁵⁰

87. **Some States have reported making progress in combating racism, racial discrimination, xenophobia and related intolerance, largely through the**

⁴⁵ Human Rights Council resolution 48/18, para. 17.

⁴⁶ Ibid.

⁴⁷ Ibid., para. 18.

⁴⁸ The Office is requested to include information on the implementation of the communications strategy in the annual report of the Secretary-General to the General Assembly on global efforts in the fight against racism. See Human Rights Council resolution 48/18, para. 19.

⁴⁹ General Assembly resolution 76/1, para. 7.

⁵⁰ Human Rights Council resolution 48/18, para. 7 and General Assembly resolution 76/266.

enactment or amendment of constitutional protections, national legislation and measures, including national action plans and data collection, as well as education and capacity-building. In response to the international context and national realities, increasing efforts are being directed at issues concerning the use of force and law enforcement, studying the extent and impact of systemic racism, collecting data and fighting hate speech and hate crimes, notably online.

88. States should expedite their efforts to fully implement the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference. States are also encouraged to accelerate efforts to increase public support for the Durban Declaration and Programme of Action and the participation of civil society and other relevant stakeholders in its implementation.

89. Political will, international cooperation and adequate funding at the national, regional and international levels are needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance for the successful implementation of the Durban Declaration and Programme of Action.

90. As part of their efforts, States and other stakeholders should implement the agenda towards transformative change for racial justice and equality, which calls for reversing cultures of denial; dismantling systemic racism and accelerating the pace of action; ending impunity for human rights violations by law enforcement officials and closing trust deficits in that area; ensuring that the voices of people of African descent and those who stand up against racism are heard; and acknowledging and confronting legacies, including through accountability and redress.

91. States are encouraged to make declarations in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within their jurisdiction under its individual communications procedure.

92. Consistent with paragraph 75 of the Durban Declaration and Programme of Action, States that have not yet done so should consider withdrawing relevant reservations to the International Convention on the Elimination of All Forms of Racial Discrimination and to the International Covenant on Civil and Political Rights.

93. States should cooperate fully with the Working Group of Experts on People of African Descent and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including by extending invitations to them to carry out country visits and by implementing their thematic and country-specific recommendations. States are also encouraged to cooperate with the new International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement.

94. States are encouraged to actively engage in the elaboration of a draft United Nations declaration on the promotion and full respect of the human rights of people of African descent, as requested by the General Assembly, to ensure that the declaration provides a global framework to address the systemic nature of racism and discrimination that affect the lives of millions people of African descent around the world, and that it contributes to confronting and redressing past violations and injustices and their present consequences through concrete actions.

95. States should make further efforts to examine the extent and impact of systemic racism and to adopt effective legal, policy and institutional measures that address racism, racial discrimination, xenophobia and related intolerance. States should also consider reparatory justice initiatives regarding slavery, the slave trade, the transatlantic slave trade, colonialism, apartheid, genocide and past tragedies that contribute to the development and recognition of the dignity of affected States and their people.
96. States should increase efforts to collect disaggregated data to assist the development of policies, strategies and actions that effectively address racism, racial discrimination, hate speech and hate crimes and systemic racism. They should ensure the participation of affected groups and communities in the design, collection and analysis of data.
97. Given that women and girls are specifically affected by racism, racial discrimination, xenophobia and related intolerance, in future contributions on the implementation of the Durban Declaration and Programme of Action States are encouraged to include information on multiple forms of discrimination and the gender dimension of racism, in the context of their efforts to eliminate racism, racial discrimination, xenophobia and related intolerance with respect to women and girls.
98. States should dedicate resources to taking appropriate measures to combat hate speech and hate crime, and they should take steps to encourage companies to meet their responsibilities under the Guiding Principles on Business and Human Rights. The media, especially social media providers, should take action to address content that incites violence, discrimination or hostility, guided by applicable national laws and regulations and the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.⁵¹
99. States should facilitate the inclusive participation of everyone, including people and communities of African descent, in the design and implementation of policies that contribute to halting, reversing and repairing the lasting consequences and ongoing manifestations of systemic racism. Young people have an important role to play in these processes.
100. The Secretary-General appeals to Member States and other stakeholders to contribute to the trust fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination to support civil society participation and increased awareness-raising.

⁵¹ [A/HRC/22/17/Add.4](#), appendix.